

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

ERIC LEON CHRISTIAN,  
Plaintiff,

v.

CHRISTOPHER HOYE, et al.,  
Defendants.

Case No. 2:19-cv-00364-RFB-EJY

**REPORT AND RECOMMENDATION**

Pending before the Court is ECF No. 27, Plaintiff's Motion for Leave to Proceed filed on March 23, 2023. This case was closed on January 7, 2021 (more than two years ago) after the District Judge accepted and adopted in full a report and recommendation to dismiss the case with prejudice. ECF Nos. 21, 24, 25. The instant Motion is therefore untethered to a case pending before the Court. For this reason, the Motion for Leave to Proceed is denied. Plaintiff is advised he may, if he so chooses, commence a new matter by filing a complete *in forma pauperis* application and complaint.

Accordingly, IT IS HEREBY RECOMMENDED that Plaintiff's Motion for Leave to Proceed be DENIED.

Dated this 23rd day of March, 2023.

  
ELAYNA J. YOUCHAK  
UNITED STATES MAGISTRATE JUDGE

**NOTICE**

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address

1 and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal  
2 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.  
3 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).